

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

BRANDON JOHNSON,

Defendant.

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19-CR-828 (ALC)

ORDER DENYING BAIL

ANDREW L. CARTER, JR., United States District Judge:

In November 2019, Magistrate Judge Netburn ordered Johnson detained. On July 2, 2020, I denied Johnson's renewed motion for bail, finding that no condition or set of conditions would reasonably assure his return to court or the safety of the community. On March 11, 2021, Mr. Johnson filed a third motion for bail, claiming that he poses neither a risk of flight or danger to the community and that his health conditions make him uniquely vulnerable to COVID-19. The motion is denied.

Johnson has been indicted for engaging in a conspiracy to sell crack. According to the government, he acted as a manager of the drug ring, directing who should use the organization's drug cellphone and requesting that another co-defendant conduct more crack sales with that phone. He conspired to sell drugs while he was incarcerated on another matter or on parole. Committing crimes in jail is a strong indication that he would commit similar, if not worse crimes, while on bond. Moreover, since he has been detained in this case, Johnson has been far from a model inmate; he has admitted to possessing drugs or alcohol in jail as well as threatening bodily harm to another.

Mr. Johnson has an incentive to flee. He faces a ten year mandatory minimum, and according to the government, his guideline range may be 360 months to life.

Considering the factors in Section 3142(g), the government has again demonstrated risk of flight by a preponderance of the evidence and dangerousness by clear and convincing evidence, establishing that no condition or combination of conditions would reasonably assure Johnson's return to court or the safety of the community. Accordingly, his newly proffered bail package is immaterial.

Although Mr. Johnson's medical situation makes him particularly vulnerable to COVID-19, progress regarding the pandemic has been made at the MDC, and, in any event, the danger he poses to the community and his risk of flight outweigh this concern. The defendant also claims that potential 6th Amendment issues regarding limited access to discovery, limited communications with counsel, and frequent lockdowns require release. This claim is without merit.

The bail application is denied.

SO ORDERED.

Dated: June 4, 2021
New York, New York

/s/ Andrew L. Carter, Jr.
ANDREW L. CARTER, JR.
United States District Judge